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Security Council

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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 14 June 2017 from the Permanent Mission of Portugal to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Portugal to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to submit its report on the implementation of Security Council resolution 2321 (2016) (see annex).

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Annex to the note verbale dated 14 June 2017 from the Permanent Mission of Portugal to the United Nations addressed to the Chair of the Committee

Report by Portugal on the implementation of Security Council resolution 2321 (2016)

I. Introduction

The Government of Portugal is committed to implementing Security Council resolution 2321 (2016) and all previous Council sanctions resolutions on the Democratic People's Republic of Korea, namely, resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and 2270 (2016), and to rendering full cooperation to the Security Council Committee established pursuant to resolution 1718 (2006).

Portugal is a party to international treaties concerning the non-proliferation of weapons of mass destruction, including the Treaty on the Non-Proliferation of Nuclear Weapons, the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction. It is also a member of all export control regimes, namely, the Nuclear Suppliers Group, the Missile Technology Control Regime, the Australia Group, the Zangger Committee and the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies.

The Government of Portugal has taken the necessary legislative and executive measures to implement the Security Council sanctions resolutions on the Democratic People's Republic of Korea, and submitted its national implementation reports in 2006, 2009, 2013 and 2017.

II. Measures taken to implement resolution 2321 (2016)

Security Council resolutions are implemented into the domestic law of Portugal through regulations and decisions of the Council of the European Union, which are directly applicable in all States members of the European Union. Regulations have general application and are binding in their entirety on European Union citizens and businesses; decisions are binding in their entirety on those to whom they are addressed, i.e., all States members of the European Union (article 288 of the Treaty on the Functioning of the European Union). All restrictive European Union measures are published in the Official Journal of the European Union.

Resolution 2321 (2016) was first transposed into the legal framework of the European Union's, and therefore that of Portugal, by the following legal act:

- Council Decision 2016/2217/CFSP of 8 December 2016, amending decision 2016/849/CFSP
- Implementing Regulation 2016/2215 of the European Commission, of 8 December 2016, implementing the measures provided under Council Decision 2016/2217/CFSP (see above)

By these legal acts, which entered into force on 9 December 2016, the European Union added 11 persons and 10 entities to the list of those subject to asset freeze, as well as travel restrictions for persons.

By the following legal acts, which entered into force on 1 March 2017, the European Union also expanded restrictive measures against the Democratic People's Republic of Korea in accordance with Security Council resolution 2321 (2016):

- Council Decision (CFSP) 2017/345 of 27 February 2017, amending Decision 2016/849/CFSP
- Council Regulation (EU) 2017/330 of 27 February 2017, amending Regulation (EC) 329/2007

The measures include, inter alia:

(a) Restrictions on transactions in coal, iron and iron ore from the Democratic People's Republic of Korea;

(b) Ban on imports of copper, nickel, silver, zinc and statues from the Democratic People's Republic of Korea;

(c) Ban on export of new helicopters and vessels to the Democratic People's Republic of Korea;

(d) Tightening of existing restrictions in the transport sector and the financial sector;

(e) Prohibition of a diplomatic mission of the Democratic People's Republic of Korea and of a diplomat from that country having more than one bank account in the European Union;

(f) Restrictions on the use of real estate property by the Democratic People's Republic of Korea in the European Union.

The legal acts also provide for member States to:

(g) Take further measures to prevent specialized teaching or training of nationals of the Democratic People's Republic of Korea in disciplines which would contribute to the country's nuclear or ballistic-missile programmes;

(h) Suspend scientific and technical cooperation involving persons or groups officially sponsored by or representing the Democratic People's Republic of Korea, except for medical exchanges.

As other existing sanctions, these restrictive measures are designed in such a way as to avoid adverse humanitarian consequences for the country's civilian population. They therefore include exemptions for livelihood and humanitarian purposes, where appropriate.

The existing measures implement all Security Council resolutions adopted in response to the nuclear tests and launches by the Democratic People's Republic of Korea using ballistic missile technology and include additional autonomous European Union measures. They target the country's nuclear weapons and nuclear programmes, other weapons of mass destruction and ballistic missile programmes. The measures also include prohibitions on the export and import of arms, goods, services and technology that could contribute to these programmes.

The penalties applicable to infringements of financial and trade sanctions imposed by any resolution of the Security Council or Regulation of the European Union are implemented by Portuguese Law N.º11/2002, of 16 February 2002. This law defines the criminal regime of the non-compliance financial or commercial sanctions, which entail restrictions on the establishment or maintenance of financial or commercial relations with the States, other entities or individuals expressly identified in its subjective scope of incidence.

With the immediate application achieved by Law 11/2002, of 16 February 2002, and by article 8 of the Constitution of Portugal (numbers 3 and 4, introduced by the 2004 constitutional revision), Portugal ensures that sanctions are immediately implemented without delay.

III. Information from Portuguese entities

In view of the provisions contained in paragraphs 14 to 18 of Security Council resolution 2321 (2016), Portugal states that the Democratic People's Republic of Korea has no non-resident ambassador, nor any other diplomat accredited in Portugal, and that its citizens/entities have no ownership of bank accounts in Portugal.

Portugal would also like to state that, in order to ensure the quick dissemination of designations by the Security Council to the financial institutions sector and designated non-financial professions and businesses, Portuguese authorities have implemented an automated-rule information dissemination mechanism. Through this mechanism, Portugal ensures that once an email notification from the Security Council Committee with the consolidated list is received, it is immediately forwarded to all relevant supervisors and regulators (financial institutions and designated non-financial professions and businesses).

Furthermore, the Ministry of Foreign Affairs notifies a predetermined roll of persons and entities by email. This list is inclusive of all ministries and relevant supervisors and regulators (both financial and non-financial), which then pass on that information to their supervised entities (financial institutions and designated non-financial professions and businesses) via email and public postings on their respective websites.

Proposals for designation are not conditioned on the existence of a notification, judicial validation or criminal proceeding. Designations decided at the European level are published in the Official Journal of the European Union.

The Ministry of Defense of Portugal certifies that the duly authorized defence economic operators are fully aware of the existing sanctions regime. No export or import license for defence-related products to or from the Democratic People's Republic of Korea was submitted, so no refusal was issued.

The Bank of Portugal ensures the public dissemination of the sanctions regime and publishes the sanctions regime established by the Security Council and the lists adopted by the United Nations and the European Union of persons and entities in violation of international law or human rights, or that do not respect the rule of law or democratic principles and, therefore, should have their financial and economic assets frozen, including those derived from property funds directly or indirectly owned by them or under their control.

Following the Financial Action Task Force's public statements, the Bank of Portugal issued national guidance specifying that the Democratic People's Republic of Korea is subject to counter-measures to protect the international financial system from the ongoing and substantial money-laundering and terrorist financing risks emanating from these jurisdictions. In addition, the Bank of Portugal also informed the relevant national entities and stakeholders that transactions concerning the Democratic People's Republic of Korea, including transactions made or intermediated by entities of the mentioned jurisdictions, present a higher risk of money-laundering or terrorism financing for the purposes of compliance with the obligations prescribed by Law No. 25/2008, of 5 June, including the ones provided in its article No. 12, section 2, and encouraged those entities to adopt enhanced customer due diligence towards these jurisdictions.

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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 16 June 2017 from the Permanent Mission of the Sudan to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Republic of the Sudan to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to refer to paragraph 40 of Security Council resolution 2270 (2016). In this respect, the Mission is hereby conveying that the Government of the Republic of the Sudan is fully committed to implementing the above-mentioned resolution and has informed all relevant authorities of the provisions contained therein with a view to taking the measures necessary to implement the terms and provisions of the resolution.

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